



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

5

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,586	10/22/2001	Barry F. Waltman	1023-016US01	3299
28863	7590	02/17/2004	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			BRADFORD, RODERICK D	
		ART UNIT		PAPER NUMBER
		3762		3W
DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)
	10/016,586	WALTMAN, BARRY F.
	Examiner	Art Unit
	Roderick Bradford	3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) 10-32 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,6 and 8 is/are rejected.
- 7) Claim(s) 2,3,5,7 and 9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 10-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gustavson et al., U.S. Patent No. 6,005,370.

Referring to claims 1 and 6, Gustavson discloses a method for charging an energy storage device associated with a defibrillator comprising:

- Applying current to a primary coil in a transformer (column 2, lines 42-45)
- Sensing an average current through the transformer (column 3, lines 37-41)
- Controlling the applied current to cause the average current to follow a reference current (column 2 line 55 – column 3 line 15)
- Transferring energy from the flyback transformer to the energy storage device (column 3, lines 45-58).

Referring to claim 4, wherein transferring energy to the energy storage device comprises a charging a capacitor (column 4, line 56-59).

4. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. U.S. Patent No. 5,447,522.

Referring to claim 1, Chang discloses a method for charging an energy storage device associated with a defibrillator comprising:

- Applying current to a primary coil in a flyback transformer (column 4, lines 40-42)
- Sensing an average current through the flyback transformer (column 2, lines 51-56)
- Controlling the applied current to cause the average current to follow a reference current (column 4, lines 47-55)
- Transferring energy from the flyback transformer to the energy storage device (abstract).

Referring to claim 4, wherein transferring energy to the energy storage device comprises a charging a capacitor (column 4, lines 10-14).

Referring to claim 6, further comprising supplying the applied current from a voltage source (column 4, lines 10-23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 3762

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (or Gustavson) et al. U.S. Patent No. 5,447,522 in view of Sokal et al. U.S. Patent No. 5,485,361.

Referring to claim 8, Chang (or Gustavson) fails to disclose wherein sensing current through a flyback transformed comprises sensing the current through the primary and secondary coil of the transformer. However, Sokal discloses sensing the current through the primary and secondary coil of the transformer (column 13, lines 1-4) as a means to monitor the current through the transformer in order to adjust the current to provide optimal charging.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Chang (or Gustavson) to include sensing the current through the primary and secondary coil of the transformer, as taught by Sokal, as a means to monitor the current through the transformer in order to adjust the current to provide optimal charging.

Allowable Subject Matter

7. Claims 2, 3, 5, 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

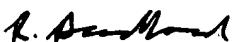
Conclusion

The examiner is requesting under 37 CFR 1.105 what applicant means by "flyback transformer" and how this is different from a regular transformer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Bradford whose telephone number is (703) 305-3287. The examiner can normally be reached on Monday - Friday 7 a.m. - 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Roderick Bradford


ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700